

USAWC STRATEGY RESEARCH PROJECT

**A Peacekeeping Force for Future Operations:
Another Reassessment of the Constabulary Force Concept**

by

Keith Robert Lovejoy
Lieutenant Colonel, U.S. Army

Bill Flavin, Associate Professor USAWC
Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 07-04-2003		2. REPORT TYPE		3. DATES COVERED (FROM - TO) xx-xx-2002 to xx-xx-2003	
4. TITLE AND SUBTITLE A Peacekeeping Force for Future Operations Another Reassessment of the Constabulary Force Concept Unclassified			5a. CONTRACT NUMBER		
			5b. GRANT NUMBER		
			5c. PROGRAM ELEMENT NUMBER		
6. AUTHOR(S) Lovejoy, Keith R. ; Author			5d. PROJECT NUMBER		
			5e. TASK NUMBER		
			5f. WORK UNIT NUMBER		
7. PERFORMING ORGANIZATION NAME AND ADDRESS U.S. Army War College Carlisle Barracks Carlisle, PA17013-5050			8. PERFORMING ORGANIZATION REPORT NUMBER		
9. SPONSORING/MONITORING AGENCY NAME AND ADDRESS ,			10. SPONSOR/MONITOR'S ACRONYM(S)		
			11. SPONSOR/MONITOR'S REPORT NUMBER(S)		
12. DISTRIBUTION/AVAILABILITY STATEMENT APUBLIC RELEASE ,					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT See attached file.					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:		17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 34	19. NAME OF RESPONSIBLE PERSON Rife, Dave RifeD@awc.carlisle.army.mil	
a. REPORT Unclassified	b. ABSTRACT Unclassified	c. THIS PAGE Unclassified	19b. TELEPHONE NUMBER International Area Code Area Code Telephone Number DSN		
				Standard Form 298 (Rev. 8-98) Prescribed by ANSI Std Z39.18	

ABSTRACT

AUTHOR: Keith R. Lovejoy, (LTC), USA

TITLE: A Peacekeeping Force for Future Operations:
Another Reassessment of the Constabulary Force Concept

FORMAT: Strategy Research Project

DATE: 07 April 2003 PAGES: 34 CLASSIFICATION: Unclassified

The United States continues to be heavily engaged in Peacekeeping Operations around the world. These missions will most likely increase dramatically over the next fifteen years given the current state of world affairs. A predicted global increase in the number of failing nation states and the constant pressures being placed upon our military forces dictates another look at the concept of a constabulary type force to fill the peacekeeping mission. My intent is to take a brief look at the history of the constabulary forces used in post WWII, examine various options for the construction and deployability of a separate force to handle peacekeeping missions and finally formulate a conclusion of feasibility to either stay with current operational doctrine of using conventional armed forces or create a new force designed specifically to handle the peacekeeping function. The palatability of United States citizens and soldiers falling under the jurisdiction of the newly formed International Criminal Court will be addressed briefly to discuss possible future impacts on peacekeeping forces. My conclusions will ultimately make recommendations to change or modify the current United States policy of using active duty combat forces for peacekeeping missions in the future.

TABLE OF CONTENTS

ABSTRACT	iii
TABLE OF CONTENTS.....	v
PREFACE.....	vii
A PEACEKEEPING FORCE FOR THE FUTURE.....	1
ESTABLISHING RULE OF LAW AND FILLING THE SECURITY GAP.....	2
CONSTABULARY FORCES.....	5
CIVILIAN POLICE AND IMPACTS ON PEACEKEEPING OPERATIONS	7
PRESIDENTIAL DIRECTIVE 71	7
THE INTERNATIONAL CRIMINAL COURT AND LEGAL IMPACTS.....	8
CURRENT POLICY	9
OPPOSITION TO CURRENT POLICY.....	10
IMPACT OF PEACEKEEPING OPERATIONS ON ARMED FORCES READINESS.....	11
INFORMATION SHARING.....	13
FORCE STRUCTURE CONSIDERATIONS	14
FORCE STRUCTURE AND EMPLOYMENT RECOMMENDATIONS.....	17
CONCLUSION.....	18
ENDNOTES.....	21
BIBLIOGRAPHY	25

PREFACE

As a recent infantry battalion commander, deployed in support of SFOR 6 in Bosnia, it quickly became apparent to me how complex peacekeeping operations truly were. The tasks and functions the battalion was required to execute in support of this mission were far and above my wildest expectations. I quickly realized the majority of these tasks were more in the realm of civil-military functions, as opposed to modified combat operational tasks. The lack of proficiency in these skills often caused frustration across the battalion. The initial train-up prior to the mission, and the intensive retraining after the mission, led me to believe there had to be a better way for our armed forces to deal with peacekeeping operations. Further investigation into the subject led to the historical lessons learned from the constabulary units used in Germany and the current initiatives being taken to account for the Civilian Police (CIVPOL) shortfalls of recent operations.

I would like to acknowledge three individuals with regard to this project. Bill Flavin, Scott Feil, and Robert Perito all contributed greatly to the research and completion of this project. Their mentorship, guidance, and research made this an enjoyable adventure and learning experience.

A PEACEKEEPING FORCE FOR THE FUTURE

The current world situation is filled with uncertainty and turbulence across a myriad of areas. The United States with its powerful Armed Forces enjoys now, and for the foreseeable future, hegemony over all other nation-states. With this dominance comes the responsibility for being the leader in all aspects of military operations. The predicted increase in the number of failing nation states will most certainly trigger an increase in Military Operations Other than War (MOOTW), especially for our military forces. This increase in MOOTW comes at a time when our forces are transitioning to a smaller and more capabilities based organization. Full scale wars of attrition are being replaced by increased numbers of regional contingencies promulgated by failing nation states. "One of the principal lessons of the events of September 11 is that failed states matter—not just for humanitarian reasons but for national security as well"¹

Weak and failed states, not strong ones, have become the primary source of international instability, and they have attracted US Military intervention because they have become shelters and breeding grounds for such transnational threats as terrorism, drug-trafficking, refugee generation, environmental degradation, and political and religious extremism.²

Obvious to a majority of casual observers and professionals alike, is the fact that the current administration is trying to scale back the overall size of our military force. Its intention to move to a more capabilities based force that relies upon improved technologies to strike swiftly and overmatch enemies will certainly mean force structure cuts. These cuts will most likely occur in terms of overall force size and decreases in overall manpower. As these cuts occur and the number of peacekeeping operations simultaneously increases there will be a significant increase in Operational Tempo (OPTEMPO). In light of this pending OPTEMPO increase, it is vital that the United States, as the world's premier super power, take a critical look at options available to fulfill its international obligations to provide viable and well trained peacekeepers.

Multinational coalition operations will dominate as the norm for all future endeavors under taken by our armed forces. "The substitution of weak for strong states as the primary source of international political instability means that irregular wars within weak states rather than conventional wars among powerful states now dominate."³ Regardless whether the coalitions are for warfighting or peacekeeping, the United States will be expected to provide key support to ensure world stability and peace.

Specific capabilities and skill sets are necessary for peacekeeping operations to be successful. Our armed forces have many of these required skills, but not all. Each and every time an American armed force unit is summoned to fulfill the role of peacekeeper, there is an inherent responsibility to ensure it is properly trained and equipped. The training contains tasks that are not part of its day to day warfighting activities. The additional tasks include everything from convoy and personal security operations to check point establishment. Leaders need to be trained in negotiation, Non-Governmental Organization (NGO) operations, and country background just to name a few. The complex environment of peacekeeping operations demands all this training and much more in order for a unit to be successful. This training is expensive, resource intensive and impacts substantially on the overall readiness of a unit to do its warfighting tasks to the high standards we as a nation expect. Does the need to perform these additional skills for peacekeeping require a force solely dedicated to perform peace operations?

The perceivable increase of Peacekeeping Operations our military will be involved in over the next ten to fifteen years, dictates a serious consideration to form and maintain a dedicated force to apportion against them. In light of this impending requirement; it is necessary to look at the formulation of constabulary type forces used after WWII. The constabulary force created to execute peacekeeping operations at the conclusion of WWII possessed many of the capabilities required for successful peacekeeping operations in today's complicated world environment. The absence of a dedicated force to handle the multitude of police functions required in today's peacekeeping operations is a gap, which if unfilled, will continue to grow and complicate the mission of our armed forces in future operations.

ESTABLISHING RULE OF LAW AND FILLING THE SECURITY GAP

Perhaps the two principal issues at hand are the abilities of peacekeepers to establish or reestablish a clear "rule of law" and whether or not they are the right force to fill the initial post-hostility security gap in a nation. Armed military forces do an adequate job at separating military forces and maintaining a quasi peaceful environment. The problem arises after military forces establish a clear separation of belligerent forces. The need to take the peace and nation building to the next level includes many tasks military personnel are not suited or trained for. The biggest of these issues is ensuring that a clear rule of law is established and maintained. Clearly at the top of the list of issues are corrupt police, governmental, and judicial systems.

After conflict has ceased, societies often lack the mechanisms and institutions for upholding the rule of law and dealing with past abuses—processes that are crucial to rebuilding. Justice and reconciliation, in tandem, must be seen as a central pillar of any assistance for post-conflict reconstruction and should receive priority attention early and throughout the life of an operation. The explosion of lawlessness, corruption, and crime that often accompanies post-conflict vacuums can undermine all gains that international assistance makes.⁴

Developing a comprehensive approach to the administration of post-conflict justice and figuring out how to do it in a way that builds local capacity will have a major impact on the overall effectiveness of future peacekeeping operations and on the timetable for military exit strategies.⁵

U.S. problems in participating in CIVPOL missions largely result from the fact that the United States has no national police force similar to the Royal Canadian Mounted Police. Instead the United States has 18,000 state and local police departments, plus more than a dozen highly specialized federal law enforcement agencies. President Clinton's intention was to strengthen the U.S. capacity to participate in international civilian police missions and to assist the United Nations to improve its own capabilities. The PDD-71 terms of reference were to: (1) improve the capacity of the U.S. government to respond to the police and criminal justice aspects of peace operations, (2) improve the response capacities of the United Nations and other international organizations, and (3) improve the relevant capacities of other countries.⁶

The United States is not the only country in the world that has a problem linking military peacekeeping forces with CIVPOL functions. A worldwide shortage of CIVPOL assets to conduct peacekeeping operations has also been identified by the United Nations. The United Nations also recognized the need to add the necessary skill sets to the police or constabulary forces it deploys in support of peacekeeping operations. "On March 7, 2000, UN Secretary General Kofi Annan convened an expert Panel on United Nations Peace Operations to review UN peace and security activities and to present 'a clear set of specific, concrete, and practical recommendations to assist the United Nations in conducting such activities better in the future.'⁷ The panel, headed by a former Algerian foreign minister Lakhdar Brahimi, made a series of recommendations to both the United Nations Security Council and the General Assembly in August of 2000.⁸

In regard to UN CIVPOL missions, the Brahimi Report recommends a "doctrinal shift" in the use of civilian police and other judicial and human rights specialists in

peace operations to reflect an increasing focus on strengthening the rule of law and respect for human rights post-conflict environments. The panel noted that in contemporary missions CIVPOL are required to do more than set a good example and to report on the unacceptable behavior of local police.⁹

The biggest issue, and thus problem for our armed forces, is directly related to performing CIVPOL functions. The inability to deal directly with counterparts in the indigenous police forces, governments and judicial systems are just a few of the CIVPOL problems facing our military forces deployed in peacekeeping operations. Doing police type functions is not, and should not be the mission for our combat forces. Trying to establish a safe and secure environment in an operation goes a lot further than separating belligerent armed forces and thus takes on a totally new meaning for peacekeepers. "Clearly, this universe of security tasks encompasses much more than a narrowly conceived military role."¹⁰

As conditions change, the overall security situation no longer warrants the large presence of military forces prepared to engage in high-intensity combat with belligerents. This achievement, however, often occurs well before legitimate indigenous security institutions are organized, trained, and equipped to assume security responsibilities. The strains within the intervening military forces as they adapt their roles and force levels to the changing security situation, coupled with the inability of the indigenous security forces to assume increased responsibility, create a security gap.¹¹

The United States currently uses contractors to recruit, train and deploy its CIVPOL contributions to peacekeeping operations. By not having a national asset under governmental control it relies on the private sector to do the nations bidding with foreign governments, as was the case with IFOR in Sarajevo. This can cause command and control issues as well operational issues when these forces are asked to perform inherently dangerous types of missions. Most importantly is the issue of using deadly force. It also raises questions of who is ultimately commanding these forces and how they operate in conjunction with United States Armed Forces. "Alone among other donor nations, the United States recruits its CIVPOL contingents through a commercial contractor. Most American CIVPOLs are mid-career officers from state and local police departments who take leave of absence, resign, or have recently retired."¹²

The demonstrated need for all peacekeeping forces to have a strong CIVPOL element and the associated skill sets it possesses, is forcing the current administration to revisit PDD-71 and

how it will resource future peacekeeping operations. The biggest shortcoming our nation faces in conducting peacekeeping operations is a dedicated package to deal with CIVPOL matters. Without the proper training and dedicated force to handle these matters the United States will continue to have difficulty developing military exit strategies and be forced to use military personnel in roles they are ill equipped to deal with. Creating a constabulary type force to deal with the CIVPOL functions of peacekeeping operations is just the first step in being successful. The United States needs to not only take the steps necessary to create this type of force, but also supply the package of supporting elements this force needs to be successful. The supporting package will have to include everything from judges and attorneys to experts in public administration. "Police are only one part of the 'judicial triad' of police, courts and prisons. There is a need to design judicial and penal system 'packages' to deploy with CIVPOL at the beginning of a peace operation."¹³ The lack of CIVPOL assets to institute and ensure a lasting peace will continue to be a recipe for prolonged military presence in all future peacekeeping operations.

The need to fulfill the initial security gap and establish a clear rule of law in post hostility environments, dictates the U.S. establish a capability to deal with this reality. The answer is not to use existing assets, but to form a constabulary type unit that is manned, trained, and readily deployable. Given the multitude of tasks and missions required to conduct SASO, it is necessary to review the constabulary concept and background. The following paragraphs will cover briefly constabulary formulation and capabilities.

CONSTABULARY FORCES

When people hear the words constabulary forces, they most always associate it with the force the United States used post WWII in Germany. In actuality these types of forces have been used on many occasions throughout the history of the world to bring order to an area after a force on force military operation has taken place. A good definition for practical use is provided by Erwin Schmidl, "a force organized along military lines, providing basic law enforcement and safety in a not yet fully stabilized environment."¹⁴ Although this force is organized along military lines, it is expected to do much more across the spectrum of police force functions. In fact if you take a serious look at all the functions required by constabulary forces in post WWII, it is easy to surmise a great deal of additional training was required to ensure mission success. The tasks constabulary forces were trained on in post WWII are not dissimilar to those required by regular force units today when preparing to conduct

peacekeeping operations. In most cases the tasks required today are more complex in nature and require a detailed training program to ensure effectiveness.

“Constabularies are constituted as centric foreign or indigenous forces of notable martial regimen and capabilities, with explicit police competencies and services.”¹⁵ A constabulary can deliver direct offensive action against extreme, hostile domestic forces beyond the level of normal police services. One of the limiting factors of the model is the belief that it can execute all the tasks and functions required in peacekeeping operations. “The constabulary model emerges as an axial apparatus for building ‘to intervene in the whole national reconciliation process [,]...restructuring of the government [, and]...rehabilitation of the country’.”¹⁶

The U.S. Constabulary School was established in 1946 at Bad Tolz—(formally Militarischer Fuhrerrachwuchs de Waffen.--Officer Leadership School for Waffen SS). The U.S. Constabulary used the train-the-trainer method to develop the force. Following the trainers’ indoctrination and training, they developed and established an eight week training program. Individual and collective training included police-type training such as making arrests; elements of crime; laws of arrest; rules of evidence; interrogations, confessions, and statements; collection and preservation of evidence; traffic control and accidents; and border control. Tactical training included riot duty, raids and searches, guard and care of prisoners, mounted patrols, employment of air liaison sections, and security. In addition to tactical and police training, soldiers received a geopolitical indoctrination to include German psychology and background; German language training; German political parties; international relations; and organization, functioning, and relationship of the Constabulary to other military agencies.¹⁷

Were the military forces of WWII, which were subsequently converted to a constabulary force, the right personnel for the task? Was the type of training and the tasks given to them the right mix to ensure success? From all the research that is available, the answer appears to be yes on both accounts. The cavalry units that were demobilized to conduct constabulary functions proved beyond a shadow of a doubt, that they had the right qualifications and demeanor to perform this specific peacekeeping mission. In the case of post WWII Germany, with no inherent police force to rely upon, the United States had no choice and had to make this system work. One of the big reasons for success was that full occupational authority was granted to the constabulary. Simple Rules of Engagement, minimal restrictions and full arrest authority were granted. The need for “executive authority to arrest” is paramount if a constabulary type force to be successful. They will be arresting a myriad of criminals, and additionally need the authority to deal with civilian on civilian acts of violence. The specific mission of the constabulary force and the peacekeeping operations they conducted had a

lasting impact on the overall readiness of the soldiers that participated. Soldiers involved in these operations had to undergo a rigorous retraining program to redevelop their primary warfighting skills. This is not dissimilar to soldiers and units that conduct peace operations today. As this is a great concern to our military leaders both in terms of overall readiness and resources, the subject will be discussed in greater detail later in this paper.

Although constabulary forces were set up and used throughout history, the forces used in post-WWII continue to be used as a model and base for our modern day planners. The unique problem of trying to fill the void between full scale combat operations and the complicated intricacies of peacekeeping operations will be a challenge well into the future.

For peacekeeping operations to be successful an environment of stability must exist. This environment must be created through a thorough understanding of all the factors surrounding what makes a nation exist at the basic levels. The need for a constabulary type unit to provide the basic law and order functions in the initial post hostilities phases of reconstruction or nation building are key today in all conceivable scenarios. Our armed forces are currently tasked to provide constabulary type forces, but we have stopped short of actually establishing, funding, and training one on a full time basis. Is it time to follow other nations, such as France and Italy, and provide this type of constabulary force to fill the void our armed forces currently possesses.

The clearly demonstrated need of a Civil Police Component in MOOTW type operations compels the requirement for a reevaluation of current US Presidential Directives, in particular PDD 71. Additionally, the recent effort by a host of nations around the world to form and maintain an International Criminal Court dictates a review on how it would affect future US peacekeepers. Having a dedicated Constabulary, proficient in all the required CIVPOL tasks, would certainly be a step in the right direction to deal with the international pressures for court membership and that of our allies, that already possess this capability above and beyond existing military forces.

CIVILIAN POLICE AND IMPACTS ON PEACEKEEPING OPERATIONS

PRESIDENTIAL DIRECTIVE 71

Presidential Directive 71, (PDD-71) was issued in the waning months of the Clinton administration to address the shortcomings of international CIVPOL missions. The directives main aim was to improve the United States' capacity to execute these types of missions and to rebuild foreign criminal justice systems after a conflict had taken place between forces. The Clinton Administration made this decision in the face of a rising number of conflicts that required

a significant peacekeeping effort. "Since 1992, the United Nations has authorized more than a dozen international police missions, while the total authorized strength of CIVPOL forces has increased to nearly 9,000. During this period, the United States has become the largest contributor of personnel to CIVPOL missions."¹⁸ Unfortunately the Clinton administration was unable to make any great headway in their effort to implement the directive prior to the administration leaving office. The Bush administration faced with the aftermath of the events of 11 September, and the continued trend of hostilities involving American peacekeepers, is being forced to revisit the directive issued by the Clinton administration.

On November 20, 2001 a special group of 49 experts held a conference to discuss both PDD-71 and the UN latest report to deal with the important shortcomings of CIVPOL in international peacekeeping missions. "It brought together policy makers, practitioners, and academic experts to discuss implementation of recommendations contained in Presidential Decision Directive 71 (PDD-71) and the Report of the Panel on United Peace Operations (the Brahimi Commission Report) for improving the performance of international civilian police in peace operations."¹⁹ The conference was co-sponsored by the United States Institute of Peace and the Center for Strategic International Studies (CSIS).

THE INTERNATIONAL CRIMINAL COURT AND LEGAL IMPACTS

Current changes in International Law, especially the UN's decision to establish an International Criminal Court (ICC) to prosecute war criminals, has raised numerous and heated debates among our senior leaders. Future military operations, both combat and peacekeeping, will be impacted should the administration decide to revisit and subsequently change the current U.S. policy of not participating in the court. The headline, "American Peacekeeper on trial for War Crimes", would not, in and of itself, be a totally bizarre event. But, add the statement, "In the ICC" and eyebrows would certainly be raised by a large majority of Americans. A discussion on the ICC, in particular the Court's decision to ensure all nations participating in the ICC fall under jurisdiction of the War Crimes Tribunal is vital, especially for future American soldiers participating in a peacekeeping role. The following paragraphs will cover background information on the foundation of the ICC, current U.S. policy, and a variety of sources on why or why not the United States should abide by the Court's position. Regardless of your personal opinion on whether or not American soldiers should fall under the jurisdiction of a legislative body of foreign countries, a large majority of foreign countries unequivocally support the ICC's position to include American citizens.

In July of 1998, over 100 countries came together in Rome and discussed a treaty that would create a treaty and establish an ICC. The court would establish a War Crimes Tribunal responsible for the prosecution of war crimes and atrocities committed against fellow humans. A total of 120 countries finally signed the document that created the now functioning War Crimes Tribunal. An overwhelming majority of U.S. allies around the world signed the agreement. The U.S. was not one of the original 120 signers, and in fact was extremely reluctant to sign any document that would allow for the prosecution of American soldiers or citizens in this manner or venue. "Virtually all of America's allies, with the notable exception of Israel, voted in favor of the new body"²⁰

The Clinton administration supported the original concept of the ICC and actually participated in drafting the procedures for how the court would operate. The U.S. believed that being a member of the UN Security Council would ensure control of the agendas and proposals of the ICC. Additionally, the use of a veto by the council seemed a viable way to reduce any risk that existed. Support of the Court seemed to be a wise political decision at the time displaying a true spirit of world cooperation. The subsequent refusal of a large number of UN members to allow the Security Council to be in charge of the ICC's agenda gave the U.S. a new found issue to ponder in it's willingness to support the Court. "What finally turned the United States against the court was other countries refusal to allow the U.N. Security Council to be the court's gatekeeper."²¹ "One of the last things the Clinton administration left as a legacy was a signature on this treaty. The United States would fall under the jurisdiction of the Criminal Court."²²

The Bush administration's decision to not sign the original Rome Treaty in May of 2002 set the current U.S. policy. Current policy unequivocally states that no member of the U.S. will fall under the jurisdiction of any other country for war crimes or crimes committed against humanity. The U.S. continues to seek bilateral agreements with countries, evoking Article 98 of the Rome Statute in order to exempt officials from prosecution by the ICC. The other measure taken to support this policy is the signing of a supplemental appropriations bill making the "American Service Members' Protection Act" a binding national law. The decision by the Bush Administration not to ratify the treaty continues to lend credence to the U.S. preferring a unilateral approach to solving issues. A large number of international community members continue strong opposition to the United States reluctance to take part in this criminal court.

CURRENT POLICY

Over the last four months, the U.S. has been engaged in an all out effort to exclude American citizens from the jurisdiction of the ICC. Diplomatic and economic efforts have

included everything from threats of pulling out of ongoing NATO peacekeeping missions, to withholding economic aid to countries that refuse to sign agreements not to prosecute American soldiers. The efforts seem to have paid off in the form of a political solution.²³

The United Nations Security Council unanimously passed a resolution extending temporary immunity from the court's jurisdiction to America's UN peacekeepers.²⁴

A high-level American diplomat of the Bush administration (that wishes to remain anonymous) expressed his opinion to several of his close colleagues at a meeting to discuss the ratification of the International Criminal Court Treaty. Referring to the Court's intent to include the United States under jurisdiction of the War Crimes Tribunal, "Until they water this down enough so I can see through it, we ain't voting for it."²⁵

Secretary Rumsfeld stated his position quite clearly on this subject at the Foreign Press Center, 22 June 2002. When asked why it was so important to the current administration that American troops have immunity from the International War Crimes Tribunal he quickly responded with the following quote,--"It is not under the umbrella of any organization that could manage it from the standpoint of responsibility and behavior."²⁶

OPPOSITION TO CURRENT POLICY

Just as there are two sides to every story, so are there arguments for the U.S. to become a full-fledged supporter of the ICC. Main arguments include the U.S. continuing to display a strong unilateralist attitude in how it relates to the rest of the world, actual crimes the court will prosecute, and the misunderstanding of how the court itself will operate. One of the strongest advocates for a change in current policy is Vermont's Democratic Senator Patrick Leahy. In a June 24, 2002 statement on the International Criminal Court, he explains his reasoning.

I believe that the International Court (ICC) has the potential to become an important mechanism to prosecute the most serious international crimes - war crimes such as genocide, and crimes against humanity - that are unlikely to be brought to trial otherwise. I believe the best way to shape the ICC to serve our interests is to be engaged with the Court, which gives our representatives from the Department of State and the Department of Defense the most during negotiations on the ICC.²⁷

Perhaps the strongest argument for change in policy comes from domestic drivers and the international community, especially the European nations. The thrust of their argument centers on the U.S. continuing effort to act unilaterally whenever it sees fit. They believe strongly that American support lends the needed credibility to the court and gives it legitimacy that it might not have otherwise.

A recent New York Times article states, "No United Nations peacekeeper has been tried for war crimes under the existing tribunals." The same article quotes U.N. Secretary General Kofi Annan saying, "The establishment of the court will put the world on notice that crimes against humanity will not go unpunished and it is a fitting way to inaugurate the new millennium."²⁸

Although it is important to consider the views of proponents for the U.S. to fall under the jurisdiction of the ICC, it is equally important to consider the impact on our American soldiers. Subjecting soldiers to prosecution by a foreign body of justice for war crimes while conducting peacekeeping operations is not palatable. Our soldiers understand they exist to protect our nation and our nation's existence. They have a clear understanding of proper behavior and the consequences for violations. Our very existence and reputation depend on it.

Our current peacekeeping operations, where we are charged with enforcing UN mandates and our current war on terrorism dictate we maintain a clear mission focus. Placing restrictions or doubts on our soldiers and officers at this time or the near future would be counter-productive to successful mission accomplishment. The international community will have to understand our temporary, hegemonic-domination attitude until we get the world back to a semi-peaceful state of affairs.

IMPACT OF PEACEKEEPING OPERATIONS ON ARMED FORCES READINESS

Important and well deserved questions have been posed on the impact of peacekeeping operations on the overall readiness of combat forces to do their mission essential task list (METL). Strong arguments can be made the establishment of a constabulary force to execute peacekeeping operations would free up the remainder of the force to stay focused on combat tasks. Training exclusively on combat tasks would certainly enable our forces to remain at a higher state of readiness, and thus always ready for war. The United States Army's primary mission, to fight and win our nations wars, denotes an inherent responsibility to be proficient in many tasks. These tasks predominately focus on killing and destroying enemy forces. Peacekeeping operations and MOOTW require a host of tasks that are directly disassociated with those of warfighting. Peacekeeping tasks are additional requirements above and beyond those a combat unit conducts on a daily basis. The additional tasks required to conduct

peacekeeping operations in today's complex environment demands a rigorous and resource intensive training plan. The training plan, with their associated tasks, is mandatory and done at the expense of conducting all warfighting activities. Many may argue these tasks do not detract from unit readiness, but this author is not one of them. "Conventional wisdom holds that extended peace-support missions degrade a military's combat capability. With combat skills as the core competency of military forces, many have viewed peacekeeping and peace-enforcement operations as 'lesser-included cases.' Soldiers can make peace, but peacekeepers can't fight wars."²⁹

As a recent task force commander in the Bosnia, responsible for training and deploying an 1100 soldier unit, the overall preparation, deployment, and redeployment had a major impact on the overall combat readiness of my unit. Some may argue that the unit might not have been well trained prior to the deployment, and hence the decline in combat readiness, but in fact, the opposite was the case. The laundry list of required training was immense in preparation for the mission. Tasks included convoy security, peacekeeping rules of engagement, media awareness, negotiation techniques, Nongovernmental Organizations, personnel security techniques, crowd control, weapon storage site inspections, and dealing with the local populace to name just a few. None of the above, as well as many more, had anything to do with the units' METL. A great majority of the tasks required fell into the CIVPOL or constabulary force realm of functions.

The amount of resources required to train, deploy, redeploy and finally retrain a unit upon the completion of a peacekeeping operation is another key readiness issue. Upon notification of deployment, a unit not only pulls resources in the form of soldiers from sister units, but also requires a large force contingent to set up and execute training for the required peacekeeping tasks. Time spent on this preparation and training by sister units means warfighting training is not being conducted. Now more than the deployable unit is not conducting combat readiness training. After initial training is conducted at the unit, a host of exercises and simulations need to be conducted. These exercises for the most part are conducted at a site that requires travel away from home station. Concluding this training is a mission rehearsal exercise conducted at a national training center. Financially these exercises cost the American taxpayer a much higher price than a regular combat training center rotation. The increase in travel expenses, need for huge numbers of civilians on the battlefield, interpreters, and subject matter experts in all areas from NGOs to negotiators all contribute to one hefty price tag.

Once a unit has deployed and conducted its mission, the next readiness issue is bringing the unit home and retraining it to perform its wartime missions. A detailed plan, again heavily

resourced with training dollars, is executed over an eight week period. At the end of this training, a large scale exercise is conducted at home station to certify the unit is again combat ready. This large scale exercise is usually followed by a combat training center rotation. The overall process a unit goes through is lengthy, expensive and repetitive for all units conducting peacekeeping exercises. Additionally, while units are deployed in peacekeeping operations they are inherently unavailable to conduct combat operations without going through the entire recertification process. The unavailability of these units while they are deployed additionally forces commanders to lower their overall readiness rating.

The establishment of a constabulary type force to conduct peacekeeping operations will address most, if not all, of the above readiness concerns. Constabulary forces are designed to conduct civil-military type operations and associated peacekeeping missions. Combat soldiers are incessantly preparing for war, their explicit reason for existence. They deserve the opportunity and resources to hone their highly perishable skills in an environment with minimal distractions.

INFORMATION SHARING

The lack of intelligence sharing during peacekeeping operations continues to be a major problem with which our armed forces must deal. Combat forces, i.e. warfighters, have a totally different philosophy on information sharing than that of peacekeepers. Peacekeepers rely heavily on information sharing because it provides overall situational awareness to all participating organizations. These organizations include not only other nation states and their CIVPOL assets, but also the myriad of non-governmental organizations working in the region. The different levels of information, and who you can share it with, are a never ending concern for soldiers on the ground. Sources of information, and the information they provide, are guarded by all agencies involved in peacekeeping operations. These agencies are not just military organizations. NGOs and international agencies all have their internal sources that are protected at all costs. As a ground force commander in Bosnia, the reality of not knowing the source of a majority of information, led to skepticism on numerous occasions. This made it extremely difficult to make determinations on the accuracy of the information, and thus affected courses of actions in many situations. Sharing information across all military agencies and civilian organizations must be rectified in future operations.

Fragmented information and intelligence sharing systems compound the problem. NGOs frequently possess valuable information but are reluctant to share intelligence with security forces for fear of reducing their rapport with the

supported population and increasing their own risk by appearing partial. For their part, security organizations loathe sharing information with NGOs because sharing information risks compromising operations and sources.³⁰

Constabulary type forces have clearly demonstrated throughout history to possess the ability to share information openly across a variety of organizations. They are inherently trained, prepared, and subsequently willing to share information. This is not the case for combat forces operating as peacekeepers. Combat forces are typically trained to conceal information and are not trained in the intricacies of information sharing. Having to change one of the basic fundamentals of a warfighter is not an easy task. Establishing and maintaining joint cooperation with multiple organizations during peacekeeping operations is essential for success. A constabulary force would greatly increase the ability to obtain this key goal in the future.

FORCE STRUCTURE CONSIDERATIONS

The need for the United States to establish a separate and well resourced force to deploy in a peacekeeping role is well documented. This force needs to contain the requisite staffing, organization, and equipment to execute the broad range of integrated security tasks necessary to fill the security gap as described above. It also should have the capability to conduct preemptive measures; support DDR; conduct border surveillance and patrol; engage in crowd control; pursue and engage belligerent groups; and support police apprehensions.³¹

The increase in the civil-military operations required in recent peacekeeping operations also forces us to take a good look at the command and control systems needed to make this force concept work. The U.S. will not be unilaterally conducting peacekeeping operations in the future. NATO and other coalition partners will need to be included and integrated into a command and control system that has all the assets necessary to conduct operations across the full spectrum of tasks. "The interrelated nature of security challenges in these missions has also meant that what used to be understood as a clear distinction between military and civil roles has become increasingly indistinct."³²

Recent trends toward greater civil-military interaction in complete peace operations should incline mission planning staff in both military and civilian organizations to coordinate on mandates and mission structures in advance of final political decisions being taken. This would perhaps improve the likelihood of complex operational needs being identified and addressed with accurate personnel and resource allocations in advance.³³

A large number of countries have an established force dedicated to conduct peacekeeping operations. When these countries are requested to conduct operations by the UN or NATO, they frequently call upon this established unit to execute the mission. In most cases there are no expectations or requests to provide additional resources above and beyond these established forces. The U.S. continues to rely on its armed forces and pieces together additional resources as required to fulfill these types of operations. This open ended scenario continues to put pressure on already limited resources and drains combat power in terms of manpower and readiness. The U.S. should establish a force along the same lines. This force, along with all the suggested enablers, built correctly would serve as the U.S. contribution in future peacekeeping operations. This force could be earmarked to handle the newly created requirements of the UN and NATO standby arrangements outlined in their Charters. Some countries have taken these requirements extremely serious and have converted dedicated ground forces to operate as peacekeepers.

Some countries, instead of trying to emulate the United States in combat capability, have sought to carve out niche functions with a comparative advantage in peacekeeping and peace-enforcement capabilities. The Canadians have gone so far as to shift the central rationale and training focus of their conventional ground forces to preparing for and executing peacekeeping and peace-support operations.³⁴

Since it is not the practice of the U.S. to stay engaged indefinitely, the established constabulary force must have the capacity to transition control back to the indigenous population. This force must be prepared to assume duties during the transition from peace enforcement operations into peacekeeping operations. Additionally, stay engaged until certain criteria is met by the host nation to reassume control. The constabulary force must also possess the capabilities to recruit, train, and integrate local personnel into the constabulary. "In time, as the domestic situation becomes tranquil and the native members of the constabulary become proficient in their duties, the United States officers of the constabulary are replaced by native officers."³⁵

The UN has for a long period of time acknowledged the need to have a special force designed to operate on short notice in peacekeeping environments. UN Secretary General Kofi Annan expressed the shortfall in the following statement, "Where the will is not there and the resources are not available, the UN peacekeepers will arrive late. It takes us on the average

4-5 months to put troops on the ground because we have no troops. The UN doesn't have an army. We borrow from our governments.³⁶

The UN currently has a Multi-national Standby High Readiness Brigade (SHIRBRIG) for UN Peace Operations. Although this force is designated and the leadership is in place, the force still takes an average of two-four months for actual deployment. The US has the capability and resources available to form, train and deploy a similar type of unit for peacekeeping operations. The special unit upon being formed, trained, and fielded could be deployed worldwide to act as the U.S. contribution to peacekeeping operations under Chapter 7 of the UN Charter. The advantage of having a unit manned and trained to conduct peacekeeping operations provides many advantages for the U.S..

- The commitment would demonstrate the United States' resolve in future peacekeeping operations. The UN and other countries would physically see that we back our positions on peace with a dedicated force.
- The U.S. would have a dedicated package for future operations. The UN and other countries would know exactly what to expect from the U.S. in terms of numbers and resources. Open ended military peacekeeping missions will be minimized with the use of this dedicated force package.
- The dedicated force would be trained and would retain its training edge at all times. Costs in the long run to continually train and retrain armed force soldiers and units for peacekeeping missions would be minimized.
- The right specialties and combination of CIVPOL and military forces are deployed to perform the specific missions required for peacekeeping operations.

Finally, the CIVPOL assets of this constabulary force must include a package of supporting characters such as prosecutors, lawyers and judges to quickly administer justice across a full spectrum of activities. This only makes sense considering these areas include the functions in which recent peacekeepers have had their biggest challenges. An increase in these assets will enable armed forces to better perform their functions and help tremendously expediting exit strategies.

The United States is, and will continue to be, the premier world superpower. With this obligation is an inherent responsibility to ensure it possesses the right assets to champion peace in an ever changing and unstable world. There is a plethora of opinions with regard to the composition of future United States Peacekeeping Forces. The preceding sections of this

paper covered several aspects and capabilities that should be included. The unquestionable requirement to establish a rule of law in an expeditious manner, dictates a large portion of any future force model contain CIVPOL assets. This force should also contain elements of regular armed forces to function in the same capacity as existing MSU units our NATO allies deploy today.

FORCE STRUCTURE AND EMPLOYMENT RECOMMENDATIONS

The basic core of this unit should be initially comprised of soldiers currently deployed in Germany. We have been looking at a way to scale back our presence in that region for quite a long period of time, and it makes sense to form the initial peacekeeping unit around this already established chain of command. The remainder of the unit needs to be rounded out predominantly by our active guard and reserve forces. The unit should be comprised of between 8,000 and 10,000 personnel, including the supporting professional legal package of judges, lawyers, etc. The headquarters should resemble that of a current combat divisions and be commanded by a Major General. The staff would replicate the functions of a current army division to handle the diverse liaisons required in peacekeeping operations.

This option is a zero sum gain. Forming the unit from out-of-hide assets will leverage existing force and leadership structures. Additionally, the U.S. would have a force dedicated to fill the security gap that occurs directly after force on force hostilities have culminated. The force would also be set up to set the conditions for transition with other similar units the UN currently employs in support of their Chapter 7 responsibilities. Another consideration for this force is that it is multi-national in nature. Although this is not a requirement for success, it would certainly lend to its' overall credibility. Current peacekeeping operations have demonstrated that other nations have interest in developing this type of force for future employments.

The force would be built to handle one contingency at a time. For comparison sakes, one Bosnia or Kosovo sized operation at a time. Operational deployments would last up to a year in duration. All members assigned to this force would be stabilized for a minimum of 3 years to facilitate training requirements.

The need for coordinated efforts between civilian agencies, armed forces and allied partners during peace operations demands a dedicated effort to establish planning staffs and integrated chains of command to conduct successful operations. Recent peacekeeping operations have continually highlighted this shortfall and will well into the future. "Coordination of joint action, in

turn requires a qualitative shift in civil-military interaction toward integrated planning and shared operations, with all the compromises implicit in loss of autonomy on both sides.”³⁷

CONCLUSION

As the U.S. and its NATO allies continue to pursue a global peace, the formulation of a U.S. led constabulary force undeniably makes sense. The need for dedicated national assets to perform these types of missions is becoming a reality that can no longer be ignored. Although NATO, and in the near future the EU, can provide the requisite forces for a strong military deterrent, it cannot contribute the political, administrative, legal, and economic elements necessary for effective security reform. Joint action by both military and civil actors is necessary for successful management of the security sector.³⁸

The continued heavy use of military assets by the U.S. to fill this need is going to reach a breaking point in the near future, especially given the high OPTEMPO and constant refocusing of missions throughout the world. While the U.S. and NATO allies possess strong and capable military forces, the need for increased functions required for peacekeeping operations of today is stretching above and beyond their current capacity to perform them. An increased ability to perform additional CIVPOL type missions must be obtained.

In light of the increased need to perform this additional complex coordination between civilian and armed forces agencies, a specific unit, with a designated task to conduct peacekeeping operations needs to be established. “To integrate security forces, the United States should mandate the establishment of a bipartisan commission reporting to Congress and supported by the Defense, State, and Justice Departments to examine the feasibility of organizing a U.S. or international integrated security force for use in postconflict reconstruction.”³⁹

The U.S. will continue to be called upon for the foreseeable future to lead international efforts in both military and peacekeeping operations. “If the United States is to continue to lead the international community and secure its global interest without scattering its military around the globe in long-term deployments, in which it does not have comparative advantage, then it must develop and focus military and civilian talent and capabilities to accelerate the transition from external security assistance to sustainable indigenous capacity.”⁴⁰

The missions of combat forces and peacekeeping forces are both separate and distinct. This author believes combat forces should stay focused and trained to accomplish wartime tasks. Additionally, they should be deployed with the sole intention of securing vital U.S. interests throughout the world. “The President (G.W. Bush) should make it clear that a U.S.

military presence in post-war Iraq will be deployed to secure vital U.S. interests, but not as an exercise in so-called nation-building...The use of military force in troubled regions must depend on direct threats to a vital security interest, not just any interest.”⁴¹ Conversely, peacekeeping forces have a complex and different set of mission tasks that require specific skill sets in order to achieve success.

A future “constabulary type” force, solely dedicated and resourced to execute peacekeeping operations is the option the United States should consider in the very near future. The peacekeeping mission, and its associated complex tasks that lead to long term nation building, requires this commitment.

Word count=7,945

ENDNOTES

¹ John J. Hamre and Gordon R. Sullivan, "Toward Postconflict Reconstruction," The Washington Quarterly, Center For Strategic and International Studies, Volume 25, Number 4, Autumn 2002. pg. 85.

² Jeffrey Record, "Collapsed Countries, Casualty Dread, and the New American Way of War." Parameters, US Army War College Quarterly, VOL. XXXII, no.2 Summer 2002, pg.6 Carlisle, PA. The author also elaborates on the growing realization that the phenomenon of failed states, even though some have no intrinsic strategic value (at least as calculated on the basis of traditional norms), can no longer be ignored, though some (e.g., Afghanistan) are obviously more threatening than others (e.g., Sierra Leone). He also states, "Indeed, there has been a mutually supporting relationship between international terrorists and failed states worldwide, and the number of failing and failed states is growing, especially in the Islamic world and sub-Saharan Africa.

³ Ibid.

⁴ Flournoy, Michele and Michael Pan., "Dealing with Demons: Justice and Reconciliation," The Washington Quarterly, Center For Strategic and International Studies, Volume 25, Number 4, Autumn 2002. Pg. 111.

⁵ William Lewis, Edward Marks and Robert Perito, "Enhancing International Civilian Police in Peace Operations." United States Institute of Peace, Special Report. 3. <http://www.usip.org/pubs/specialreports/sr85.html>. accessed 12-21-02.

⁶ Ibid., 4.

⁷ Ibid., 10.

⁸ Ibid.

⁹ Ibid. With respect to civilian police, the report laid out basic principles concerning their use in peace operations: Effective peacebuilding requires that CIVPOL retrain and restructure local police, not just "observe and scold." Police are just one of the elements needed to restore public security and rebuild rule of law in war-torn societies. It is meaningless to give CIVPOL law enforcement authority without also providing a complete criminal justice system within which they can work. The pursuit of post-war justice and reconciliation requires the effective teaming of criminal justice and human rights specialists.

¹⁰ Scott Feil., "Building Better Foundations: Security in Postconflict Reconstruction," The Washington Quarterly, Center For Strategic and International Studies, Volume 25, Number 4, Autumn 2002. pg. 100. (Cited originally from T.R. Fehrenbach, This Kind of War (New York: Bantam, 1991). The author elaborates further on the concept of overall security. Security as a concept addresses all aspects of public safety, particularly the establishment of a safe and secure environment and the development of legitimate and stable security institutions. Security encompasses the provision of collective and individual security to the citizenry and to the assistors. Just as the absence of conflict is not peace, the imposition of order is not the provision of security. During the last decade, only half of the attempts to stabilize a postconflict

situation and prevent a return to large-scale violence have been successful. (Cited from Jean-Paul Azam, Paul Collier, and Anke Hoeffler, "International policies on Civil Conflict: An Economic Perspective," December 14, 2001, p.2, <http://www.pcrproject.org> (accessed July 16, 2002).

¹¹ Ibid., 103. (Originally cited from William Durch, "Security and Peace Support in Afghanistan: Analysis and Short-to-Medium-Term Options." (Washington, D.C.: Henry L. Stimson Center, June 2002).

¹² Lewis, Marks, Perito., 7. A few participants argued that providing police for international missions was inherently governmental function and it was inappropriate for the United States to work through a contractor. More than one speaker thought the National Guard might provide a model for federalizing police for temporary duty in peace operations. Referencing 9/11, Civilian police resources have been allocated to protection of sites, surveillance, and apprehension of suspected terrorists. A substantial number of police officers with Reserve or National Guard affiliations have been mobilized for active duty, further reducing the manpower available for CIVPOL service.

¹³ Ibid., 14.

¹⁴ Erwin A. Schmidl, "Police Functions In Peace Operations: A Historical Overview," in Policing the New World Disorder: Peace Operations and Public Security, ed. Robert B. Oakley, Michael J. Dziedzic, and Elio M. Goldberg (Washington, D.C.: National Defense University Press, 1998), 22.

¹⁵ Karl Knoblauch, JR. Constabularies in Future Peace Operations. Strategy Research Project. Carlisle Barracks, U.S. Army War College, April 1998. pg.1 originally cited from M. Dean Havron, and others, Constabulary Capabilities for Low-Level Conflict (McLean, VA: Human Sciences Research, Inc., 1969), 5-7.

¹⁶ Ibid., 2. originally cited from A.B. Fetherston, Towards a Theory of United Nations Peacekeeping (New York: St Martin's Press, 1994), 153.

¹⁷ McGuire, Colleen. Constabulary Training For a Full Spectrum Force. Strategy Research Project. Carlisle Barracks, U.S. Army War College, April 2001. pg.6 cited from Major James M. Snyder, The Establishment and Operation of the United States Constabulary, 3 October 1945-30 June 1947 (Historical Sub-section G3-U.S. Constabulary, 1947), 22. The author also states the training program culminated with a series small-unit field exercises, including raids, border control, sealing off a part of the city, operation of checkpoints, control of riots or disturbances. Military courtesy, discipline, morale, and esprit de corps were emphasized throughout the program as essential in the development of an elite force. Although rules of engagement weren't specifically addressed, soldiers were schooled on the authority of the U.S. Constabulary, Articles of War, Rules of Land Warfare, personal conduct and bearing, organization and responsibilities of military government and of the German government.

¹⁸ Lewis, Marks, Perito., 1.

¹⁹ Ibid., 2.

²⁰ Disorder in the Court, Peter Grier, Air Force Magazine, October 2002, Vol. 85, No. 10, Lee highway, Arlington, VA, pgs. 37-39.

²¹ The Case for the International Criminal Court, Joanne Mariner, FindLaw's Legal Commentary, Monday, July, 08, 2002. Joanne Mariner is a prominent writer for this publication and a strong advocate for the United States to fall under the jurisdiction of the Criminal Court. Her main arguments focus around the idea that the Court is for the World's worst criminals. That it is not a court to try previous acts of genocide or crimes against humanity. The court will prosecute the worst of the worst, American military members or high-level government officials are not targets for prosecution.

²² *Ibid.*, 2. In refusing to sign the ICC treaty at the Rome Conference, the U.S. found itself quite isolated. Only China, Iraq, Libya, Qatar, Yemen and Israel joined in boycotting the court, while 120 nations voted in its favor. Although the outgoing Clinton Administration did finally sign the ICC treaty in late December 2001, it continued to insist that the court was flawed. By signing the treaty, however, the U.S. would be able to remain engaged in shaping the new institution.

²³ United States: Both sides lose: The International Criminal Court, The Economist, London; Jul 20, 2002; Vol. 364, Issue. 8282; This article also provides commentary that the United States had shocked friends and foes alike when it threatened to veto the routine renewal of all UN peacekeeping missions, beginning with the mission in Bosnia, if the Security Council did not grant all UN peacekeepers a permanent immunity. The court's supporters on the council dug in their heels and refused to pass such a resolution. They were backed by all other council members, including even Russia and China, who themselves show no signs of joining the court. The compromise eventually agreed was a resolution brokered by Britain. It extends immunity for 12 months to all soldiers or officials, from countries, which have not ratified the treaty, who are involved in either UN missions or those authorized by the UN. This covers most international interventions.

²⁴ *Ibid.*, 39.

²⁵ Conversation with a fellow Army War College student that was present and privy to the conversation at the time it occurred. He also wishes to remain anonymous. 11 October 2002.

²⁶ Secretary Rumsfeld's statement on the International Court, Foreign Press Center, June 22, 2002, U.S. Department of State, International Information Programs, 24 June 2002. Rumsfeld made additional points including: It would be very easy to make a charge or an allegation of wrongdoing, and the defense against that then falls to the person accused. It may cause the United States pause to be willing to participate and put U.S. forces in countries where they could become subject to the international court and you could end up with a politicized prosecutor or people making allegations or charges. He included the fact that Dr. Henry Kissinger recently was – they attempted to serve a subpoena on him for something that happened 25 years before in Chile, and something he was not aware of or knowledgeable about.

²⁷ Statement of Senator Patrick Leahy, 9 June 2002, Foreign Policy and the International Criminal Court, Internet Home Page, Montpelier, Vermont. He also believes that since the U.S. played a strong role in the conception and design of the court and that we should support it.

Additionally, he believes there are enough provisions and checks to protect the innocent and respect the continuity of national courts that serve the cause of justice.

²⁸ U.S. Is Seeking Pledges to Shield Its Peacekeepers From Tribunal, Christopher Marquis; New York Times, New York, N.Y.; Aug 7, 2002; Late Edition (East Coast); pg. A1. Marquis also quotes Alex Arriaga, director of government relations for Amnesty International USA, "The U.S. should be championing justice. It shouldn't be running it down." He also stated that Senator Dodd urged the current administration to reconsider its decision to spurn the court. He quoted Senator Dodd's spokesperson Tom Lenard, "The court is going to be making international law in the future, and it would be better for the United States to be a leader and a participant, rather than an idle observer."

²⁹ Feil., 103.

³⁰ *Ibid.*, 107.

³¹ *Ibid.*, 104.

³² Cockell, John, G., "Civil-Military Responses to Security Challenges in Peace Operations," Global Governance, A Review of Multilateralism and International Organizations, Volume 8, Number 4, October-December, 2002. pg. 484.

³³ *Ibid.*, 485.

³⁴ Feil, "Building Better Foundations: Security in Postconflict Reconstruction", 104.

³⁵ U.S. Marines Corps, Small Arms Manual, Department of the Navy, (Reprint of 1940 edition). NAVMC 2890, pg. 7.

³⁶ Peter H. Langille., "Bridging the Commitment Capacity Gap," A Review of Existing Arrangements and Options for Enhancing UN Rapid Deployment. Publication #19. August 2002. Pg. iii. Center for UN Reform Education. Wayne, NJ

³⁷ *Ibid.*, 484. The inherent complexity of Balkans conflict environments has demanded interaction between NATO's military forces and the civilian organizations, such as the UN and the OSCE, also active in addressing security sector issues.

³⁸ Cockell, 483.

³⁹ Feil, "Building Better Foundations: Security in Postconflict Reconstruction", 106.

⁴⁰ *Ibid.*, 108.

⁴¹ Spring, Baker and Jack Spencer., "In Post-Iraq, Use Military Forces to Secure Vital U.S. Interests, Not for Nation Building," The Heritage Foundation, Backgrounder Executive Summary, September 18, 2002. pgs. 1,2,6.

BIBLIOGRAPHY

- Becker, Elizabeth. "U.S. Issues Warning to Europeans in Dispute Over New Court." New York Times, 26 August 2002, p.A10.
- Bush, George. The National Security Strategy of the United States of America. Washington: U.S. Executive Office of the President, September 2002.
- Cockell, John, G. "Civil-Military Responses to Security Challenges in Peace Operations," Global Governance, A Review of Multilateralism and International Organizations, 8(October-December 2002.) 483-502.
- Cordesman, Anthony. "Planning for a Self-Inflicted Wound: US Policy to Reshape a Post-Saddam Iraq." Center for Strategic and International Studies, December 3, 2002. Available from http://www.csis.org/features/iraq_wound.pdf. Accessed 12-20-02.
- Drinan, Robert F. "U.S. Rejection of Court Defies Law, Logic and Morality." National Catholic Reporter, 19 July 2002.
- Field, Kimberly, and Robert Perito. "Creating a Force for Peace Operations: Ensuring Stability with Justice." Parameters, 32(Winter 2002-3): 77-88.
- Grier, Peter. "Disorder in the Court." Air Force Magazine, 85 (October 2002): 37-39.
- Grossman, Marc. "Remarks to the Center for Strategic and International Studies." Washington, DC; 6 May 2002. xx
- Havron, Dean, and others, Constabulary Capabilities for Low-Level Conflict (McLean, VA: Human Sciences Research, Inc., 1969), 5-7. Originally cited from Knoblauch, Karl, Jr. Constabularies in Future Peace Operations. Strategy Research Project. Carlisle Barracks, U.S. Army War College, April 1998. pg.1.
- Dempsey, Gary. "Nation Building's Newest Disguise." Orbis, A Journal of World Affairs. 46(Summer 2002): 415-429.
- Langille, Peter, H. "Bridging the Commitment Capacity Gap." A Review of Existing Arrangements and Options for Enhancing UN Rapid Deployment. Publication #19. August 2002. Center for UN Reform Education. Wayne, NJ
- Leahy, Patrick. "Foreign Policy and the International Criminal Court." 9 June 2002. Available from <http://leahy.senate.gov/issues/foreign%20policy/icc-statement.html>. Internet. Accessed 16 October 2002.
- Mariner, Joanne. "The Case for the International Criminal Court." FindLaw's Legal Commentary, 8 July 2002. 1-11.
- Marks, Edward, and Robert Perito, "Enhancing International Civilian Police in Peace Operations." United States Institute of Peace, Special Report. Available from <http://www.usip.org/pubs/specialreports/sr85.html>. Accessed 12-21-2002.

- Marquis, Christopher. "U.S. Is Seeking Pledges to Shield Its Peacekeepers From Tribunal." New York Times, 7 August 2002, p. A1.
- McGuire, Colleen. Constabulary Training For a Full Spectrum Force. Strategy Research Project. Carlisle Barracks: U.S. Army War College, April 2001.
- Miles, Lloyd. Back to the Future: Constabulary Forces Revisited. Strategy Research Project. Carlisle Barracks, U.S. Army War College, July 2002.
- Myers, Richard B. "Pre-Decisional Draft, National Military Strategy Document." 24 September 2002.
- Ottaway, Marina. "Why Nation Building Is Not for Sissies." Foreign Policy, September/October 2002, pages. 16-24.
- Paul, Ron. "International Criminal Court is the Latest U.N. Outrage." Texas Straight Talk, 8 January 2001. A1-3.
- Perito, Robert. "Odd Jobs: The Role of Special Police Units in Kosovo." Unpublished paper, 25 July 2002.
- Record, Jeffrey, "Collapsed Countries, Casualty Dread, and the New American Way of War." Parameters, 32(Summer 2002): 6.
- Rumsfeld, Donald. "Secretary Rumsfeld Statement on the International Criminal Court." News Briefing at the Foreign Press Center, 22 June 2002. International Information Programs, 24 June 2002.
- Schmidl, Erwin A. "Police Functions in Peace Operations: An Historical Overview." In Policing the New World Disorder: Peace Operations and Public Security, ed. Robert B. Oakley, Michael J. Dziedzic, and Elio M. Goldberg. Washington, DC.: National Defense University Press, 1998
- Spring, Baker, and Jack Spencer. "In Post-Iraq, Use Military Forces to Secure Vital U.S. Interests, Not for Nation Building." The Heritage Foundation, Backgrounder Executive Summary, 18 September 2002. 1-9.
- "United States: Both Sides Lose; The International Criminal Court." The Economist, 364 (20 July 2002): 39.
- U.S. Department of Defense. "Background Briefing on the International Criminal Court." Senior Defense Official Presenter, 2 July 2002.
- U.S. Department of State, Office of War Crimes Issues. Fact Sheet. Washington, DC, 6 May 2002.
- U.S. Marines Corps, Small Arms Manual, Department of the Navy, (Reprint of 1940 edition). NAVMC 2890, pg. 1-12.
- "U.S. Opposition to IC a Sham." The New American, 18 (15 July 2002): 6.